

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**PAUL PRACHUN, et al.,**

**Plaintiffs,**

**v.**

**CBIZ BENEFITS & INSURANCE**

**SERVICES, INC. et al.,**

**Defendants.**

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**Case No. 2:14-cv-2251**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Kemp**

**OPINION & ORDER**

On February 3, 2015, the United States Magistrate Judge issued a **Report and Recommendation** in this case (Doc. 21), recommending that the Court deny Plaintiffs' motion to remand this case to state court. (Doc. 9). The Plaintiffs argued that this Court did not have subject matter jurisdiction over any of its claims, and that the Defendants were incorrect that the Plaintiffs had brought claims which fall within the scope of the Employee Retirement Income Security Act ("ERISA"). The Magistrate Judge found that ERISA preempted Plaintiffs' claim for benefits, supporting the existence of jurisdiction in this case and the propriety of removal. The parties were specifically advised of their right to object to the Report and Recommendation and of the consequences of their failure to do so. No objection has been filed.

Since neither party has objected, and the deadline for such objections elapsed on February 17, 2015, this Court **ADOPTS** the Magistrate Judge's Report and Recommendation. Plaintiffs' Motion to Remand is **DENIED**. (Doc. 9).

**IT IS SO ORDERED.**

**DATED: June 18, 2015**

s/ Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**